

**DIRECTORATE OF DISTANCE EDUCATION
NALSAR UNIVERSITY OF LAW, HYDERABAD**

Advanced Diploma in Patents Law

P.G. Diploma in Patents Law

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Annual Examination (June, 2023)

**Paper IV – 1.4. Abuse / Infringement of Patents
(Covering all 4 subjects)**

Duration of the Examination : 3 hours

TOTAL MARKS: 100

INSTRUCTIONS TO CANDIDATES

- a) Read the instructions carefully and adhere to the same.
 - b) Please mention your DDE ID No., date of the exam, name of the programme & subject on the Answer Sheet and the Additional Answer Sheets, if any.
 - c) The questions to be interpreted as given and no clarification can be sought from the Invigilator.
 - d) Clearly indicate the question numbers while answering them. Answers without question numbers / wrong question numbers will not be evaluated.
 - e) Write the answers clearly and neatly. Answers in illegible handwriting will not be taken into consideration.
 - f) Candidates are prohibited to carry phones or any other electronic devices, books, material etc. in the Examination Hall.
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You are an Indian registered patent agent. You received a letter on from one Mr. Client as follows:

Please respond to Mr. Client, advising him and explaining in detail addressing all the concerns raised by him highlighting on:

- 1) claim construction,*
- 2) infringement,*
- 3) patent validity / revocation possibilities,*
- 4) other miscellaneous issues and*
- 5) your advice.*

(20+20+30+20+10 Marks).

Note:

The answer guidelines contain some points (non-exhaustive) that could be covered in the answer to the Paper.

Claim construction

Claim 1

1.1 A multifunction camera holder comprising:

A multifunction – page 1 line 30 – page 2 line 2 “The present invention provides a multifunction camera holder which can be used in various environments to take photos of the user himself, while the user is on the road travelling or on tour, also suitable for taking group photos as a conventional tripod does, as well as resting the camera holder with the camera mounted thereon, to free-up the user’s hands.” Multifunction is therefore construed that the camera holder can be used in more than one way for the user to take photo on his own.

Camera holder – a device that can hold the camera such that the users’ hands do not need to hold the camera and that the camera can stay at the same position

Comprising – conventional term, means including but not limited to

1.1 is construed as a device that can hold the camera such that the users’ hands do not need to hold the camera and that the camera can stay at the same position and the device can be used in more than one way.

1.2 a support member;

A support member 10 - “The support member 10 is used to support the weight of the camera holder when in use to take a self-photo by hand.” A structure that serves to support the weight of the device.

Referring to Figs. 3-5, the support member 10 is a rod-shape structure where the hand holds on to or the bars rely onto to support the weight of the device when the device is in use in the extended position. A person skilled in the art would understand that structures with other shapes or made of other materials would also function as a support for the device.

1.2 is therefore purposively construed as a structure that supports the weight of the device when the device is in use regardless of the shape and material.

1.3 a platform for releasably securing a camera thereon;

A platform – typically refers to flat surface

for – suitable for

releasably securing a camera thereon – plain meaning, a camera can be placed onto the flat surface and the camera can also be removed from the flat surface. A platform itself may not be able to secure the camera on it, unless it is a sticky surface. Claim 1 does not require the surface to be sticky. Therefore, a person skilled in the art would understand that this feature means that the camera can be secured onto the flat surface securely without falling out with or without the help of other features.

1.3 is construed as a flat surface that is suitable for a camera to be placed onto and removed from such that the camera can be secured onto the flat surface securely without falling out with or without the help of other features.

1.4 a stick connecting the support member to the platform;

a stick – element 50 as shown in Fig. 3. A stick typically means a rod-shape structure that is elongated and thin.

connecting the support member to the platform – Plain meaning. As shown in Fig. 3, the stick 50 is connected to the support structure 10. It does not matter whether it is a direct or indirect connection.

1.4 is construed as a rod-shape structure that is elongated and thin and that it is directly or indirectly connected to the support structure.

1.5 a platform for releasably securing a camera thereon;

A platform – typically refers to flat surface
for – suitable for

releasably securing a camera thereon – plain meaning, a camera can be placed onto the flat surface and the camera can also be removed from the flat surface. A platform itself may not be able to secure the camera on it, unless it is a sticky surface. Claim 1 does not require the surface to be sticky. Therefore, a person skilled in the art would understand that this feature means that the camera can be secured onto the flat surface securely without falling out with or without the help of other features.

1.5 is construed as a flat surface that is suitable for a camera to be placed onto and removed from such that the camera can be secured onto the flat surface securely without falling out with or without the help of other features.

1.6 a stick connecting the support member to the platform;

a stick – element 50 as shown in Fig. 3. A stick typically means a rod-shape structure that is elongated and thin.

connecting the support member to the platform – Plain meaning. As shown in Fig. 3, the stick 50 is connected to the support structure 10. It does not matter whether it is a direct or indirect connection.

1.6 is construed as a rod-shape structure that is elongated and thin and that it is directly or indirectly connected to the support structure.

1.7 wherein the stick is extendable to an operation state at which the platform is far away from the support member to a distance greater than the length of an arm of a user such that the camera held on the platform can be operated from that distance,

“The length of the stick 50 can vary such that when in use, the stick 50 can be extended telescopically with its multiple segments 54, 56 etc. sliding with respect to each other, to move the platform 80 further away from the user with the camera holder 1 on this hand, at a distance longer than that the user’s arm can reach, so that a self-photo can be taken with less or no distortion, also a wider background scene.”

Extendable – the description describes that the stick 50 can be extended telescopically with its multiple segments 54, 56 etc. sliding with respect to each other. In claim 1, it does not require the extendable mechanism to be only a telescopic arrangement. It can also be other mechanisms as long as the rod- shape structure can be extendable.

To an operation state at which the platform is far away from the support member – far away is a vague description. The claim further requires that the distance to be a distance greater than the length of an arm of a user such that the camera held on the platform can be operated from that distance. However, the length of an arm of a user is also subjective. For example, the length of an arm of a 5 year-old kid can be much shorter than the length of an arm of an 30 year-old adult.

1.7 is therefore interpreted as the rod-shape structure is extendable and that the distance between the flat surface and the support structure at an extended position of the device is longer than the distance between the flat surface and the support structure at a retracted position of the device.

1.8 and the stick is collapsible to a compact state at which the platform is closer to the support member for easy carrying of the camera holder.

“the stick 50 is collapsed into a shorter length, for easy carrying by e.g., a shoulder bag or even in the user’s pocket.”

Similar to 1.5, in claim 1, it does not require the collapsible mechanism to be only a telescopic arrangement. It can also be other mechanisms as long as the rod-shape structure can be collapsible.

a compact state at which the platform is closer to the support member for easy carrying of the camera holder – similar to 1.5, for easy carrying of the camera holder is a subjective term because the collapsible size (or length) can vary a lot for easy carrying in a backpack or in a user's pocket.

1.8 is therefore as the rod-shape structure is collapsible and that the distance between the flat surface and the support structure at a retracted position of the device is shorter than the distance between the flat surface and the support structure at an extended position of the device.

Claim 2

2.1 *The camera holder of claim 1,*
Including all limitations of 1.1 to 1.6

2.2 *wherein the platform is rotatably connected to the stick to allow position adjustment of the platform.*

Rotatably connected – “The pillar 81 of the platform 80 is movably connected to the stick 50 by e.g., a hinge 70, such that the user can adjust the angle of the camera or smart phone mounted to the platform, for convenience of taking best effect photos.”

Even though the term “rotatably” is not explicitly described by the description, a person skilled in the art would understand from the implied meaning of the above extracted description that it is a rotatably connection between the flat surface and the rod-shape structure such that the angle of the flat surface on which the camera is placed onto can be adjusted.

In Fig. 4, rotatably connection between the flat surface and the rod-shape structure is a hinge connection. In claim 2, it does not require the connection to be a hinge, as long as the connection allows the angle of the flat surface on which the camera is placed onto to be adjusted.

Repercussive effect to claim 3 – 3.2 requires a pillar to achieve this function. Claim 3 is conventionally interpreted as narrower than claim 2. Thus, 2.2 should be interpreted wider than 3.2.

2.2 is purposively construed as a rotatably connection between the flat surface and the rod-shape structure such that the angle of the flat surface on which the camera is placed onto can be adjusted, regardless of the type of connection.

Claim 3

3.1 *The camera holder of claim 1,*
Including all limitations of 1.1 to 1.6

3.2 *wherein the platform comprises a pillar mounted to the stick*

A pillar – A pillar typically refers to a support feature.

Refer to element 81 as shown in Fig. 1 and refer to 2.2 above, a pillar is interpreted as the support structure that allows the rotatably connection between the flat surface and the rod-shape structure. In an example given in the description, it can be a hinge. But it can also be other connection such as a ball- type joint.

3.2 is therefore construed as a support structure that allows the rotatably connection between the flat surface and the rod-shape structure and that the support structure is mounted to the rod-shape structure.

3.3 *and a pair of clamp members coupled to the pillar to secure a camera therebetween.*

and – requires both 3.2 and 3.3

A pair of – means two clamp members

coupled to the pillar – the two holding members are directly or indirectly connected to the support structure.

The term “clamp members” is not explicitly described in the description. Based on the description that “ a pair of clamp members coupled to the pillar to secure a camera therebetween”, a person skilled in the art would understand that the pair of clamp members refers to the fixed jaw 82 and the movable jaw 84 because the fixed jaw 82 and the movable jaw 84 are connected to the support structure 81 and are used to secure a camera therebetween. In claim 3, a person skilled in the art would understand that the term “clamp members” implies that the patentee does not intend to limit these features to be only the jaws embodiment. A camera therebetween – meaning that the members are provided on the opposing sides of the camera, when the device is in use, such that the camera can stay between the two members. The term “clamp members” also imply that how the members work cooperatively to secure the camera is by a clamping mechanism, i.e. to hold the phone tightly from the two opposing sides of the camera.

3.3 is therefore construed as two holding members are provided on the opposing sides of the camera, when the device is in use, and the members work cooperatively to secure the camera by holding the phone tightly from the two opposing sides of the camera and that the two holding members are directly or indirectly connected to the support structure.

Claim 4

4.1 The camera holder of claim 3,

Including all limitations of 1.1 to 1.6, 2.1-2.2 and 3.1-3.3

4.2 further comprising a spring coupled to and drive one of the clamp members towards the other one of the clamp members to secure the camera.

A spring is not explicitly described in the description. Nevertheless, page 2 lines 25-28 “The multifunctional camera holder 1 has a retention mechanism suitable for mounting a camera or smart phone 100 onto the platform 80 in a quick yet reliable manner. The retention mechanism includes a fixed jaw 82 and a spring-driven movable jaw 84 which can be pulled away from the fixed jaw 82, by a user overcoming the spring force.”

A person skilled in the art would therefore understand that a spring refers to the retention mechanism than pull the two holding members move towards each other.

Coupled to and drive one of the clamp members towards the other one of the clamp members to secure the camera. – claim 4 further requires that the retention mechanism is physically connected to one of the holding members and that it moves that one holding member to move towards the other one such that the pair can function to hold the phone tightly.

4.2 is construed as a retention mechanism that is physically connected to one of the holding members and that it moves that one holding member to move towards the other one such that the pair can function to hold the phone tightly.

Claim 5

5.1 The camera holder of claim 3,

Including all limitations of 1.1 to 1.6, 2.1-2.2 and 3.1-3.3

5.2 wherein each of the clamp members includes a pair of fingers spaced apart from each other forming a gap therebetween,

A pair of fingers – the two elements 822, 842 as shown in Fig. 1

spaced apart from each other – the two fingers 822, 842 are not touching each other.

forming a gap therebetween – the space 828 between the two fingers 822 and the space 848 between the two fingers 842 as shown in Fig. 1

Fingers typically refer to a structure that is protruding from the flat surface. As shown in Fig. 1, the fingers are curved. Nevertheless, a person skilled in the art would understand that the fingers can also be a straight feature or of any other shapes that protrudes from the flat

surface.

5.2 is construed as each of the holding members includes two protruding features that protrude from the flat surface, the two protruding features are not touching each other and that a space is formed between the two protruding features.

5.3 the platform is foldable towards the stick such that the stick is received in the gap.

Plain meaning and read with page 3 lines 11-13 "Upon the platform 80 being at the folded position, the support member 10 and the stick 50 are received and placed in the gap 828, and/or 848 hence the camera holder 1 is more compact." and Fig. 2.

As shown in Fig. 2, the rod-shape structure 50 is one of the features of the entire device. From Fig. 2, the rod-shape structure 50 appears to be entirely received and placed in the space formed between the two protruding features, however it can be seen that the entire device, e.g. part of the handle, is not entirely contained within. Therefore, claim 5 should be require the rod-shape structure 50 to be fully received in the space formed between the two protruding features as long as the flat surface can be folded and that at least part of the rod-shape structure is being received in the space formed between the two protruding features.

5.3 is therefore construed as the flat surface can be folded towards the direction of the rod-shape structure such that at least part of the rod-shape structure is received and placed in the space formed between the two protruding features.

Claim 6

6.1 The camera holder of claim 1,
Including all limitations of 1.1 to 1.6

6.2 wherein the support member comprises at least three bars each having one end coupled to the stick,

Comprises – including but not limited to

At least three bars – elements 14 as shown in Fig. 5. A bar typically refers to a long piece structure. each having one end coupled to the stick – Plain meaning. End refers to the end portion of the long piece structure.

6.2 is therefore construed as the support structure includes, but not limited to, at least three long piece structures and an end portion of each long piece structure is connected to the rod-shape structure.

6.3 the bars being pivotable such that the free end of each bar expands outwardly to support the camera holder onto a horizontal surface.

Pivotable – movable upon a connection point. Each long piece structure is moveable upon the end portion of the long piece structure where it connects to the rod-shape structure.

such that the free end of each bar expands outwardly to support the camera holder onto a horizontal surface. – The other end of each long piece structure moves outward from the rod-shape structure

to support the camera holder onto a horizontal surface – Plain meaning – the device can stand on its own on a flat surface where the device is placed on. An example of a horizontal surface are the restaurant table (Page 3 lines 26).

6.3 is therefore construed as each long piece structure is moveable upon the end portion of the long piece structure where it connects to the rod-shape structure and that the other end of each long piece structure moves outward from the rod-shape structure such that the device can stand on its own on a flat surface.

Infringement analysis

Claim 1

1.1 A multifunction camera holder comprising:

1.1 is construed as a device that can hold the camera such that the users' hands do not need to hold the camera and that the camera can stay at the same position and the device can be used in more than one way.

Yes.

Doc B "The selfie support device 500 works equally well in situations where no horizontal or flat surface is available nearby. This can be achieved by a user directly grabbing the legs 520, in either the extended mode or retracted mode, such that a camera or smart phone can be held on the selfie support device 500 in a distance away from the user, for self or group photo-taking, whether the user is standing stationary, or on the move during which motion pictures can be easily captured."

Reading the above description of Doc B and referring to Figs. 3 and 4 of Doc B, the selfie support device of Doc B is a selfie support device and therefore it is a device that can hold the camera such that the users' hands do not need to hold the camera and it also allows the camera can stay at the same position.

The selfie support device of Doc B can also be used in more than one way, for example, a first way as illustrated in Fig. 3 and a second way as illustrated in Fig. 4.

1.2 a support member;

1.2 is therefore purposively construed as a structure that supports the weight of the device when the device is in use regardless of the shape and material.

Yes.

The Legs 520 of the selfie support device of Doc B is a structure that can support the weight of the device when the device is in use.

Even though the legs 520 include three legs, it can also be interpreted as "a" support member. Firstly, there is no limitation whether "a" support member can include more than one features. Secondly, when the device is in use, for example as shown in the embodiment of Fig. 3, even by holding one of the legs and left the other two hanging in the air, the only one leg can still be used to support the weight of the device.

It can also be interpreted as that the segment 5203 as shown in Figs. 3 and 4 is the support structure of the selfie support device of Doc B, where the user's hand hold onto when the user is using the device to take selfie (in Fig. 3) and where the device supports the device to stand on a platform (in Fig. 4). In both situations, the segment 5203 support the weight of the device when the device is in use.

1.3 a platform for releasably securing a camera thereon;

1.3 is construed as a flat surface that is suitable for a camera to be placed onto and removed from such that the camera can be secured onto the flat surface securely without falling out with or without the help of other features.

Yes.

The longer edge of the L-shape pillar 562 of the selfie support device of Doc B a flat surface that is suitable for a camera to be placed onto and removed from such that the camera can be secured onto the flat surface securely without falling out with or without the help of other features – the shorter edge of the L-shape pillar 562 and the jaws 564, 566.

1.4 a stick connecting the support member to the platform;

1.4 is construed as a rod-shape structure that is elongated and thin and that it is directly or indirectly connected to the support structure.

Yes

Following the interpretation that the segment 5203 is the support structure of the selfie support

device of Doc B, the other segments 5201 and 5202 each is "rod-shaped" in that it is elongated and thin and that it is directly and indirectly connected to the support structure (in Figs. 3 and 4).

1.5 wherein the stick is extendable to an operation state at which the platform is far away from the support member to a distance greater than the length of an arm of a user such that the camera held on the platform can be operated from that distance,

1.5 is therefore interpreted as the rod-shape structure is extendable and that the distance between the flat surface and the support structure at an extended position of the device is longer than the distance between the flat surface and the support structure at a retracted position of the device.

Yes.

so each leg 520 is able to increase its length when the segments are extended relative to each other, and also shorten the length by retracting the segments into one another.

The segments 5201 and 5202 of the selfie support device of Doc B is extendable.

The distance between the longer edge of the L-shape pillar 562 and the segment 5203 at an extended position of the device (in Figs. 3 and 4) is longer than the distance between longer edge of the L-shape pillar 562 and the segment 5203 at a retracted position of the device (in Figs. 1 and 2, respectively) - the segment 5203 is contained within the legs 520.

1.6 and the stick is collapsible to a compact state at which the platform is closer to the support member for easy carrying of the camera holder.

1.6 is therefore as the rod-shape structure is collapsible and that the distance between the flat surface and the support structure at a retracted position of the device is shorter than the distance between the flat surface and the support structure at an extended position of the device.

Yes.

so each leg 520 is able to increase its length when the segments are extended relative to each other, and also shorten the length by retracting the segments into one another.

The segments 5201 and 5202 of the selfie support device of Doc B is collapsible.

The distance between the longer edge of the L-shape pillar 562 and the segment 5203 at a retracted position of the device (in Figs. 1 and 2) is shorter than the distance between the distance between longer edge of the L-shape pillar 562 and the segment 5203 at at an extended position of the device (in Figs. 3 and 4, respectively).

Therefore, the selfie support device of Doc B infringes claim 1 of Doc A.

Claim 2

2.1 The camera holder of claim 1,

Including all limitations of 1.1 to 1.6

Yes, as discussed above.

2.2 wherein the platform is rotatably connected to the stick to allow position adjustment of the platform.

2.2 is purposively construed as a rotatably connection between the flat surface and the rod-shape structure such that the angle of the flat surface on which the camera is placed onto can be adjusted, regardless of the type of connection.

Yes.

As shown in Fig. 3, the angle of the L-shape pillar 562 can be adjusted.

The ball-joint coupling 540 of the selfie support device of Doc B allows a rotatably connection between the longer edge of the L-shape pillar 562 and the segments 5201 such that the angle of the longer edge of the L-shape pillar 562 on which the camera is placed onto can be adjusted.

Therefore, the selfie support device of Doc B infringes claim 2 of Doc A.

Claim 3

3.1 The camera holder of claim 1,
Including all limitations of 1.1 to 1.6

Yes, as discussed above.

3.2 wherein the platform comprises a pillar mounted to the stick

3.2 is therefore construed as a support structure that allows the rotatably connection between the flat surface and the rod-shape structure and that the support structure is mounted to the rod-shape structure.

Yes.

As construed, the term “pillar” is construed as a support structure that allows the rotatably connection. As discussed in 2.2, the ball-joint coupling 540 of the selfie support device of Doc B allows a rotatably connection between the longer edge of the L-shape pillar 562 and the segments 5201 such that the angle of the longer edge of the L-shape pillar 562 on which the camera is placed onto can be adjusted.

The ball-joint coupling 540 is also mounted to the segments 5201, as shown in Figs. 3 and 4.

3.3 and a pair of clamp members coupled to the pillar to secure a camera therebetween.

3.3 is therefore construed as two holding members are provided on the opposing sides of the camera, when the device is in use, and the members work cooperatively to secure the camera by holding the phone tightly from the two opposing sides of the camera and that the two holding members are directly or indirectly connected to the support structure.

The jaws 564 and 566 are the two holding members of the selfie support device of Doc B that are provided on the opposing sides of the camera, when the device is in use, and the jaws 564 and 566 work cooperatively to secure the camera by holding the phone tightly from the two opposing sides of the camera.

The jaws 564 and 566, however, is not coupled to the segment 5203 or the leg 520 of the selfie support device of Doc B.

Therefore, the selfie support device of Doc B does not infringe claim 3 of Doc A.

Claim 4

4.1 The camera holder of claim 3,
Including all limitations of 1.1 to 1.6, 2.1-2.2 and 3.1-3.3
No, does not have the feature of 3.3.

4.2 further comprising a spring coupled to and drive one of the clamp members towards the other one of the clamp members to secure the camera.

4.2 is construed as a retention mechanism that is physically connected to one of the holding members and that it moves that one holding member to move towards the other one such that the pair can function to hold the phone tightly.

No.

“Rotation of the threaded rod 568 in one direction brings the movable jaw 566 to slide towards the fixed jaw 564, to clamp a camera or smart phone 80, and rotation of the threaded rod 568 in an opposite direction brings the movable jaw 566 back, to slide away from the fixed jaw 564 to release the camera or smart phone.”

The jaws of selfie support device of Doc B work cooperatively by rotating the threaded rod 568. The threaded rod is not a spring.

Therefore, the selfie support device of Doc B does not infringe claim 4 of Doc A.

Claim 5

5.1 The camera holder of claim 3,

Including all limitations of 1.1 to 1.6, 2.1-2.2 and 3.1-3.3

No, does not have the feature of 3.3.

5.2 wherein each of the clamp members includes a pair of fingers spaced apart from each other forming a gap therebetween,

5.2 is construed as each of the holding members includes two protruding features that protrude from the flat surface, the two protruding features are not touching each other and that a space is formed between the two protruding features.

No.

As can be seen in Fig. 1, each of the jaws of the selfie support device of Doc B is a flat piece without any holes or apertures on its surface. Each jaw does not include any space.

5.3 the platform is foldable towards the stick such that the stick is received in the gap.

5.3 is therefore construed as the flat surface can be folded towards the direction of the rod-shape structure such that at least part of the rod-shape structure is received and placed in the space formed between the two protruding features.

No.

Even the flat surface can be folded towards the direction of the segment 5203 (as shown in Fig. 3), however, as construed in 5.2, there are no space formed in the selfie support device of Doc B and therefore the feature of “at least part of the rod-shape structure is received and placed in the space formed between the two protruding features” is absent.

Therefore, the selfie support device of Doc B does not infringe claim 5 of Doc A.

Claim 6

6.1 The camera holder of claim 1,

Including all limitations of 1.1 to 1.6

Yes, as discussed above.

6.2 wherein the support member comprises at least three bars each having one end coupled to the stick,

6.2 is therefore construed as the support structure includes, but not limited to, at least three long piece structures and an end portion of each long piece structure is connected to the rod-shape structure.

Yes, arguably.

The segments 5202, 5203 of the selfie support device of Doc B can be interpreted as the three long piece structures and the segment 5201 can be interpreted as the rod-shape structure as discussed above in 1.4.

Each an end portion of each segment 5202 is connected to the segment 5201, respectively.

6.3 the bars being pivotable such that the free end of each bar expands outwardly to support the camera holder onto a horizontal surface.

6.3 is therefore construed as each long piece structure is moveable upon the end portion of the long piece structure where it connects to the rod-shape structure and that the other end of each long piece structure moves outward from the rod-shape structure such that the device can stand on its own on a flat surface.

Yes, arguably.

The segments 5202, 5203 is moveable. The end portion of the segments 5202 is connected to the segment 5201 and that the other end of segments 5203 moves outward from the segment 5201 such that the device can stand on its own on a flat surface (as shown in Fig. 4).

Therefore, the selfie support device of Doc B infringes claim 6 of Doc A.

Novelty analysis (Doc C)

Claim 1

1.1 A multifunction camera holder comprising:

1.1 is construed as a device that can hold the camera such that the users' hands do not need to hold the camera and that the camera can stay at the same position and the device can be used in more than one way.

Yes. From the title – camera support apparatus.

1.2 a support member;

1.2 is therefore purposively construed as a structure that supports the weight of the device when the device is in use regardless of the shape and material.

Yes. Cylindrical segment 122 as shown in Fig. 1B.

1.3 a platform for releasably securing a camera thereon;

1.3 is construed as a flat surface that is suitable for a camera to be placed onto and removed from such that the camera can be secured onto the flat surface securely without falling out with or without the help of other features.

No. The apparatus of Doc C works by using an adaptor to mount the camera or mobile phone.

1.4 a stick connecting the support member to the platform;

1.4 is construed as a rod-shape structure that is elongated and thin and that it is directly or indirectly connected to the support structure.

Yes. The extensible support 116 as shown in Fig. 1B.

1.5 wherein the stick is extendable to an operation state at which the platform is far away from the support member to a distance greater than the length of an arm of a user such that the camera held on the platform can be operated from that distance,

1.5 is therefore interpreted as the rod-shape structure is extendable and that the distance between the flat surface and the support structure at an extended position of the device is longer than the distance between the flat surface and the support structure at a retracted position of the device.

Yes, arguably.

There is no flat surface in Doc C. Nevertheless, the extensible support 116 is extendable (Fig. 1B)

1.6 and the stick is collapsible to a compact state at which the platform is closer to the support member for easy carrying of the camera holder.

1.6 is therefore as the rod-shape structure is collapsible and that the distance between the flat surface and the support structure at a retracted position of the device is shorter than the distance between the flat surface and the support structure at an extended position of the device.

Yes, arguably.

There is no flat surface in Doc C. Nevertheless, the extensible support 116 is collapsible (Fig. 2)

Therefore, claim 1 of Doc A is novel over Doc C.

Claim 2

2.1 The camera holder of claim 1,

Including all limitations of 1.1 to 1.6

No, as discussed above.

2.2 wherein the platform is rotatably connected to the stick to allow position adjustment of the platform.

2.2 is purposively construed as a rotatably connection between the flat surface and the rod-shape structure such that the angle of the flat surface on which the camera is placed onto can be adjusted, regardless of the type of connection.

Yes, arguably.

“...permitting movement of ball 132 between various positions...”

There is no flat surface in Doc C. Nevertheless, there is a rotatably connection (ball 132) between where the camera should be placed on and the extensible support 116.

As claim 2 depends on claim 1, claim 2 of Doc A is novel over Doc C.

However, if the novelty analysis to claim 1 is incorrect, then claim 2 is arguably not novel in view of Doc C.

Claim 3

3.1 The camera holder of claim 1,

Including all limitations of 1.1 to 1.6

No, as discussed above.

3.2 wherein the platform comprises a pillar mounted to the stick

3.2 is therefore construed as a support structure that allows the rotatably connection between the flat surface and the rod-shape structure and that the support structure is mounted to the rod-shape structure.

Yes, arguably.

Page 1 lines 31-32 “The base assembly 112 further includes a body 138 for closely receiving the ball 132, and permitting movement of ball 132 between various positions it is possible to use other”

There is no flat surface in Doc C. Nevertheless, the base assembly 112 is a support structure that allows the rotatably connection between where the camera should be placed and the extensible structure 116 and that the base assembly 112 is mounted to the extensible structure 116 (as shown in Fig. 1A).

3.3 and a pair of clamp members coupled to the pillar to secure a camera therebetween.

3.3 is therefore construed as two holding members are provided on the opposing sides of the camera, when the device is in use, and the members work cooperatively to secure the camera by holding the phone tightly from the two opposing sides of the camera and that the two holding members are directly or indirectly connected to the support structure.

No.

Doc C works with adapters and there is no holding members in Doc C.

Therefore, claim 3 of Doc A is novel over Doc C.

Claim 4

4.1 The camera holder of claim 3,

Including all limitations of 1.1 to 1.6, 2.1-2.2 and 3.1-3.3 No, as discussed above.

4.2 further comprising a spring coupled to and drive one of the clamp members towards the other one of the clamp members to secure the camera.

4.2 is construed as a retention mechanism that is physically connected to one of the holding members and that it moves that one holding member to move towards the other one such that the pair can function to hold the phone tightly.

No.

Doc C works with adapters and there are no holding members in Doc C.
Therefore, claim 4 of Doc A is novel over Doc C.

Claim 5

5.1 The camera holder of claim 3,

Including all limitations of 1.1 to 1.6, 2.1-2.2 and 3.1-3.3 No, as discussed above.

5.2 wherein each of the clamp members includes a pair of fingers spaced apart from each other forming a gap therebetween,

5.2 is construed as each of the holding members includes two protruding features that protrude from the flat surface, the two protruding features are not touching each other and that a space is formed between the two protruding features.

No.

Doc C works with adapters and there are no holding members in Doc C.

5.3 the platform is foldable towards the stick such that the stick is received in the gap.

5.3 is therefore construed as the flat surface can be folded towards the direction of the rod-shape structure such that at least part of the rod-shape structure is received and placed in the space formed between the two protruding features.

No.

Doc C works with adapters and there are no holding members in Doc C.

Therefore, claim 5 of Doc A is novel over Doc C.

Claim 6

6.1 The camera holder of claim 1,

Including all limitations of 1.1 to 1.6 No, as discussed above.

6.2 wherein the support member comprises at least three bars each having one end coupled to the stick,

6.2 is therefore construed as the support structure includes, but not limited to, at least three long piece structures and an end portion of each long piece structure is connected to the rod-shape structure.

No.

Doc C teaches an extensible structure 116 and does not have any other long piece structures that projected from the extensible structure.

6.3 the bars being pivotable such that the free end of each bar expands outwardly to support the camera holder onto a horizontal surface.

6.3 is therefore construed as each long piece structure is moveable upon the end portion of the long piece structure where it connects to the rod-shape structure and that the other end of each long piece structure moves outward from the rod-shape structure such that the device can stand on its own on a flat surface.

No.

Doc C teaches an extensible structure 116 and does not have any other long piece structures that projected from the extensible structure.

Therefore, claim 6 of Doc A is novel over Doc C.

Novelty analysis (Doc D)

Claim 1

1.1 A multifunction camera holder comprising:

1.1 is construed as a device that can hold the camera such that the users' hands do not need to hold the camera and that the camera can stay at the same position and the device can be used in more than one way.

Yes. Title – portable electronic device holder.

1.2 a support member;

1.2 is therefore purposively construed as a structure that supports the weight of the device when the device is in use regardless of the shape and material.

Yes – telescoping element 710 is a structure that supports the weight of the device when the device is in use regardless of the shape and material, as shown in 1C.

1.3 a platform for releasably securing a camera thereon;

1.3 is construed as a flat surface that is suitable for a camera to be placed onto and removed from such that the camera can be secured onto the flat surface securely without falling out with or without the help of other features.

Yes.

The clamping surface 132 is a surface that is suitable for a camera to be placed onto and removed from such that the camera can be secured onto the flat surface securely without falling out with or without the help of other features..

1.4 a stick connecting the support member to the platform;

1.4 is construed as a rod-shape structure that is elongated and thin and that it is directly or indirectly connected to the support structure.

Yes. Element 702 as shown in Fig. 1C.

1.5 wherein the stick is extendable to an operation state at which the platform is far away from the support member to a distance greater than the length of an arm of a user such that the camera held on the platform can be operated from that distance,

1.5 is therefore interpreted as the rod-shape structure is extendable and that the distance between the flat surface and the support structure at an extended position of the device is longer than the distance between the flat surface and the support structure at a retracted position of the device.

Yes. Comparing Fig. 1C and Fig. 1A, the distance between the element 702 and element 710 (contained within 110).

1.6 and the stick is collapsible to a compact state at which the platform is closer to the support member for easy carrying of the camera holder.

1.6 is therefore as the rod-shape structure is collapsible and that the distance between the flat surface and the support structure at a retracted position of the device is shorter than the distance between the flat surface and the support structure at an extended position of the device.

Yes. Comparing Fig. 1C and Fig. 1A, the distance between the element 702 and element 710 (contained within 110).

Therefore, claim 1 is not novel over Doc D.

Claim 2

2.1 The camera holder of claim 1, Including all limitations of 1.1 to 1.6 Yes, as discussed as above.

2.2 wherein the platform is rotatably connected to the stick to allow position adjustment of the platform.

2.2 is purposively construed as a rotatably connection between the flat surface and the rod-shape structure such that the angle of the flat surface on which the camera is placed onto can be adjusted, regardless of the type of connection.

Yes. A hinge 150 is a rotatably connection between the flat surface and the rod-shape structure such that the angle of the flat surface on which the camera is placed onto can be adjusted, regardless of the type of connection.

Therefore, claim 2 is not novel over Doc D.

Claim 3

3.1 *The camera holder of claim 1,* Including all limitations of 1.1 to 1.6 Yes, as discussed as above.

3.2 *wherein the platform comprises a pillar mounted to the stick*

3.2 is therefore construed as a support structure that allows the rotatably connection between the flat surface and the rod-shape structure and that the support structure is mounted to the rod-shape structure.

Yes. A hinge 150 is a support structure that allows the rotatably connection between the flat surface and the rod-shape structure and that the support structure is mounted to the rod-shape structure.

3.3 *and a pair of clamp members coupled to the pillar to secure a camera therebetween.*

3.3 is therefore construed as two holding members are provided on the opposing sides of the camera, when the device is in use, and the members work cooperatively to secure the camera by holding the phone tightly from the two opposing sides of the camera and that the two holding members are directly or indirectly connected to the support structure.

No.

The clamp 102 includes two holding members (as shown in Fig. 3) are provided on the opposing sides of the camera, when the device is in use, and the members work cooperatively to secure the camera by holding the phone tightly from the two opposing sides of the camera.

However, the clamp 102 is not directly or indirectly connected to the element 710.

Therefore, claim 3 is novel over Doc D.

Claim 4

4.1 *The camera holder of claim 3,*

Including all limitations of 1.1 to 1.6, 2.1-2.2 and 3.1-3.3 No – does not have 2.2.

4.2 *further comprising a spring coupled to and drive one of the clamp members towards the other one of the clamp members to secure the camera.*

4.2 is construed as a retention mechanism that is physically connected to one of the holding members and that it moves that one holding member to move towards the other one such that the pair can function to hold the phone tightly.

Yes. The locking lug 144.

By virtue of dependency, claim 4 is novel over Doc D.

However, if the interpretation to claim 2 is incorrect, claim 4 is not novel over Doc D.

Claim 5

5.1 *The camera holder of claim 3,*

Including all limitations of 1.1 to 1.6, 2.1-2.2 and 3.1-3.3 No – does not have 2.2.

5.2 *wherein each of the clamp members includes a pair of fingers spaced apart from each other forming a gap therebetween,*

5.2 is construed as each of the holding members includes two protruding features that protrude from the flat surface, the two protruding features are not touching each other and that a space is formed between the two protruding features.

Yes, the notch 300 as shown in Fig. 3.

5.3 the platform is foldable towards the stick such that the stick is received in the gap.

5.3 is therefore construed as the flat surface can be folded towards the direction of the rod-shape structure such that at least part of the rod-shape structure is received and placed in the space formed between the two protruding features.

Yes, as shown in Fig. 4.

By virtue of dependency, claim 5 is novel over Doc D.

However, if the interpretation to claim 2 is incorrect, claim 5 is not novel over Doc D.

Claim 6

6.1 The camera holder of claim 1, Including all limitations of 1.1 to 1.6 Yes, as discussed as above.

6.2 wherein the support member comprises at least three bars each having one end coupled to the stick,

6.2 is therefore construed as the support structure includes, but not limited to, at least three long piece structures and an end portion of each long piece structure is connected to the rod-shape structure.

No.

6.3 the bars being pivotable such that the free end of each bar expands outwardly to support the camera holder onto a horizontal surface.

6.3 is therefore construed as each long piece structure is moveable upon the end portion of the long piece structure where it connects to the rod-shape structure and that the other end of each long piece structure moves outward from the rod-shape structure such that the device can stand on its own on a flat surface.

No.

Claim 6 is novel over Doc D.

Inventive step analysis

Both Doc C and Doc D are full prior art as they both should have published way before the filing date of Doc A.

Claim 1 is different from Doc C because the apparatus of Doc C works by using an adaptor to mount the camera or mobile phone.

As Doc C is a document filed in 1985, it is understandable that the use of mobile phones are not that popular in those years. A person skilled in the art at the time of filing the patent application for Doc A could probably understand that adaptors are not the only options to mount a camera or mobile phone onto the support device. Furthermore, mobile phones are much more popular in recent years and therefore a person skilled in the art could be motivated to motivate the device to be used with mobile phones, instead of just cameras.

Because of the above reason and also because Doc D is probably known to a person skilled in the art, Doc C may also be combined with Doc D to teach the features of the platform for mounting the mobile phone.

Therefore, claim 1 is not inventive over Doc C.

If a person skilled in the art has integrated a platform to mount a mobile phone, then the

features of claim 2 may also be obvious because a rotation connection is already discussed in Doc C.

Similar to claim 3, a base assembly 112 is also disclosed in Doc C which is a support structure that allows the rotatable connection between where the camera should be placed and the extensible structure 116 and that the base assembly 112 is mounted to the extensible structure 116, therefore claim 3 may also be obvious.

The three bars are absent in both Doc C and Doc D. According to the teaching of Doc C and Doc D, there are no motivation for the device to be placed on a flat surface. Therefore, a person skilled in the art would not be motivated to modify any of Doc C or Doc D to achieve at the invention of Doc A. Therefore, claim 6 is inventive over both Doc C and Doc D.

Advice and Miscellaneous issues

Dear Mr. J Singh,

Thank you for your email.

We have analysed the information provided and we are of the opinion that your selfie support device of Doc B has in fact infringed claims 1, 2 and 6 of the iPhoto's patent. Nevertheless, it does not infringe claims 3, 4, 5 of iPhoto's patent.

We have also analysed the novelty and inventiveness of the iPhoto's patent and conducted a patent search which reveals two documents – Doc C and D. We are of the view that the iPhoto's patent is valid in view of its novelty. Meanwhile, the inventiveness of claims 1-5 are questionable in view of Doc C and Doc D.

We understand that iPhoto has contacted you and requested you not to import the product into India and also not to make or sell this product anywhere in the world.

Firstly, for the importation part, unfortunately, importation of product is not covered under the groundless threat provision. For this part, it will not be sufficient to sustain a groundless threat proceeding to go against.

Secondly, it is questionable whether they have the same patent in every country of the world because patent is jurisdictional and if they are going to sue you for infringement, they would have to own a patent in such jurisdiction. It will be good for you to let us know when countries that you are interested in marking and marketing your product such that we can study further. Furthermore, as we opine that your product has indeed infringed their patent, it will not be good to raise a groundless threat provision against them.

Our suggestion is for you to see whether design around is possible for your products, for example, to include features that are not disclosed in their patent application.

Please also be advised that even though you have a patent application pending, this does not give you any rights to use the invention. Patent rights is a right to exclude people from doing what you are doing, instead of granting you the rights to use it.

You may consider reviewing your patent application and request IPOS to expedite the examination. Once you have a granted patent on hand, you may consider cross-licensing with them to negotiate for more business opportunities. We understand that you have just filed the patent application in Singapore. If you are interested to expand the business market, you may also consider filing this application in other jurisdictions (if time is allowed). Please let us know your date of filing of the Singapore application such that we can advise further.

Let us know if we can help further.